THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24923 OF 1997

DATED: 28TH NOVEMBER, 2006.

Between :

M. Venkata Chowdary .. Petitioner

And

1. The Executive Engineer (R & B)
   Special Division, Kothagudem,
   Khammam District.,
   And another. .. Respondents

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ORDER :

The Petitioner herein was awarded a lease for collection of toll fee at Project across Murredu River at KM 49/0 of Thallada-Bhadrachalam Road in Kothagudem Town Limits of Khammam District. Pursuant thereto, by letter dated 25-9-1997 the 1st respondent while calling upon the petitioner to attend the Divisional Office for executing a lease deed within 10 days and to deposit the additional security, further informed the petitioner that the stamp duty of Rs.1,49,483/- as well as the charges for the registration of lease deed has to be borne by the petitioner. Aggrieved by the said action of the 1st respondent to the extent of requiring the petitioner to remit the stamp duty and registration charges, this writ petition is filed.

I have heard the learned Counsel for the petitioner and the learned Government Pleader for Roads & Buildings appearing for the respondents.

An identical question has been considered by a Division Bench of this Court in U. DURGA PRASAD v. EXECUTIVE ENGINEER (R & B) N.H. DIVISION, SRIKAKULAM[1]. Having considered all the relevant statutory provisions the Division Bench held that the document by which the right to collect toll is an instrument within the meaning of sub-section (14) of Section 2 of the Stamp Act, 1899 and therefore all instruments by which tolls of any description are let are

leases within the meaning of Stamp Act.

In the light of the ratio down by the Division Bench in the above case, the impugned proceedings cannot be held to be erroneous.

Accordingly, the Writ Petition is dismissed. No costs.

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G. ROHINI, J.

Dt. 28-11-2006

gbs

[1] 2001 (4) ALD 176 (DB)